IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.730 OF 2007

Mrs.Renu Arjandas Sadarrangani & Anr. ...Petitioners
vs.
Navjivan Cooperative Hsg.Society Ltd. & Ors. ...Respondents

Mr.P.N.Karlekar for the Petitioners
Ms Rita Bhatra for Respondent No.1.

CORAM: A.S.OKA,J.
DATE : APRIL 4,2007.

P.C.:

1. Heard learned Counsel for the Petitioners and the learned Counsel for the first and fourth Respondents. The second and third Respondents are already dead. On 6th February 2007, this Court directed that the Writ Petition will be decided finally at admission stage.

2. The submission of the learned Counsel for the Petitioner is that the Advocate appointed by the Petitioners was absent on the day on which the Appeal was heard by the Learned Member of the Maharashtra State Cooperative Appellate Court and the first Petitioner appeared in person and argued the Appeal in Hindi language.

3. The learned Counsel for the first and fourth Respondents faced with the aforesaid submission fairly states that an order of remand may be passed and the Maharashtra State Cooperataive Appellate Court be directed to hear the Appeal afresh as expeditiously as possible.

4. In view of what is stated above, Writ Petition is disposed of by passing the following order :

i) Impugned Judgment and Order dated 4th November 2006 is quashed and set aside and the Appeal No.20 of 2000 is restored to the file of Maharashtra State Coooperative Appellate Court, Mumbai.

ii) Parties are directed to appear before the Maharashtra State Cooperative Appellate Court on 30th April 2007 at 11.00 a.m. for fixing the schedule of hearing of the Appeal.

iii) The Maharashtra State Cooperative Appellate Court will decide the Appeal as expeditiously as possible and preferably on or before 31st July 2007.

iv) Parties are directed to cooperate with the Appellate Court for expeditious disposal of the Appeal.

v) As date of appearance is fixed as 30th April 2007, it will not be necessary for the Cooperative Appellate Court to issue notice of hearing of the Appeal to the parties.

vi) All contentions of the parties on merits of the Appeal are kept open.

vii) Writ Petition is partly allowed in above terms.

viii) Parties and the concerned Court to act upon an authenticated copies of this order.

JUDGE